

STATEMENT OF ACTIVITIES THAT ARE INCONSISTENT,
INCOMPATIBLE, OR IN CONFLICT WITH DUTIES AS AN
EMPLOYEE OF THE FAIR POLITICAL PRACTICES COMMISSION

I. PURPOSE

This statement is published in accordance with the provisions contained in Government Code Section 19990 and Government Code Section 81000, et seq. (the Political Reform Act of 1974). It and the Commission's conflict of interest code (Attachment I) set forth minimum ethical standards to be followed by employees of the Fair Political Practices Commission. These standards prohibit or condition activities that could result in using official status with the Commission for private gain or to give favored treatment to any individual or group, or could imply individual or Commission partisanship.

II. DEFINITIONS

A. Commission. "Commission" means the Fair Political Practices Commission.

B. Commissioner. "Commissioner" means the full-time chairman and the four part-time Commission members.

C. Employee. "Employee" means the executive director and all civil service and exempt employees of the Commission.

D. Person. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, or any other organization or group of persons acting in concert.

E. Outside Employment. "Outside employment" means any arrangement whereby an employee receives a form of compensation from a non-Commission source for services performed.

III. GENERAL POLICIES

A. Disciplinary action. Every employee except the executive director may be subject to disciplinary action, including severance, by the executive director for a violation of any of the provisions of this statement. The executive director may be subject to disciplinary action, including removal from office, by the Commission for a violation of any of the provisions of this statement.

B. Grievance procedure. Every employee except the executive director may use the Commission's grievance procedure (see FPFC Personnel Manual) with respect to provisions of this statement and any disciplinary actions taken pursuant to it.

C. Revisions. Revisions of this statement may be made on the recommendation of the Commission and the approval of the Department of Personnel Administration. The Commission may move to recommend revisions only after the employees have been notified of proposed changes for at least thirty (30) days.

IV. OUTSIDE EMPLOYMENT (also see POLITICAL ACTIVITIES below)

A. Notice to executive director. Any employee who engages in outside employment for \$250 or more in compensation in a one-year period shall notify the executive director in writing as soon as practicable. If the executive director engages in outside employment for \$250 or more in compensation in a one-year period, he or she shall notify the Commission in writing as soon as practicable.

B. Prohibited outside employment. No employee may engage in any outside employment if such activity prevents the employee from devoting his or her full time, attention and efforts to performing regularly assigned Commission duties during his or her hours of duty as an employee. It should normally be assumed that an individual will be unable to devote his or her full time, attention and efforts to regularly assigned Commission duties if that person engages in continuous outside employment which results in working more than 12 hours (including overtime work for the Commission) in a 24-hour period immediately preceding reporting for a regular Commission working day. No employee shall engage in certain kinds of outside employment due to its general conflict with his or her Commission employment. Examples of such prohibited activities include, but are not limited to:

(1) Outside employment to perform duties included in the individual's regularly assigned Commission duties. ✓

(2) Outside employment for any person who is a state candidate, an elected state officer, a legislative official, a lobbyist, a lobbying firm or any person listed in Section 87200 if the services provided may later be subject, directly or indirectly, to control, review, audit, inspection or enforcement by the employee.

C. Disqualification. Any employee who has received income totalling \$250 or more in a 12-month period shall disqualify himself or herself from any decision which

foreseeably and materially would affect the source of income. However, disqualification is not required if the effect on the source of income is substantially the same as the effect on the public generally. If disqualification is required, the employee shall immediately notify his or her supervisor in writing.

V. GIFTS

A. Prohibited gifts. Except as provided in Section B, no employee may knowingly accept, solicit or transmit to other person(s) any gift, loan of money or equipment, lodging, transportation, entertainment, service or any other favor of value totaling \$10 or more in any calendar month from any state candidate, lobbyist, elected state officer, legislative official, agency official or any person listed in Section 87200. Any employee who has received a gift of \$250 or more in a 12-month period from any person shall, in accordance with Section IV C, disqualify himself or herself from any decision which would affect the source of the gift.

B. Acceptable gifts. Notwithstanding Section A, employees may accept the following gifts from persons listed in Section A:

- (1) Occasional home meals, and lodging in a home on a social basis.
- (2) Transportation in a noncommercial vehicle.
- (3) Intra-state travel, necessary meals and accommodations, and other nominal benefits which are not reportable under 2 California Code of Regulations Section 18728 and which are provided directly in connection with a panel, seminar or similar event at which an employee makes a speech or like appearance.
- (4) Gifts of approximately equal value exchanged between an employee and an individual other than a lobbyist on birthdays, holidays and similar occasions.
- (5) Gifts from an employee's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of any such person, or from anyone other than a lobbyist living in the same household as the employee.
- (6) Occasional meals and incidental entertainment provided by a commissioner or another employee in connection with Commission business.

In case of doubt as to the propriety of accepting a gift, the doubt should be resolved against acceptance.

VI. MISUSE OF POSITION

A. Prohibited activities. Employees are prohibited from using state time, facilities, equipment or supplies for personal purposes or for the advantage of another person. Prohibited activities also include using information available to an employee solely because of his or her position with the Commission for personal gain or for the advantage of another person.

Except for reimbursement for necessary travel expenses approved by the employee's supervisor, no employee shall receive or accept money or other consideration from anyone other than the state for the performance of an act which the employee would be required or expected to render in the regular course of his or her state employment or as part of his or her duties.

B. Examples of prohibited activities. Employees shall not participate in activities such as the following:

(1) Using the Commission's postage or stamping facilities even though the Commission is reimbursed before or after such use.

(2) Conducting outside employment while on Commission time.

(3) Using status with the Commission to solicit, directly or indirectly, business of any kind or to purchase goods or services for private use at discounts from:

(a) A person doing or soliciting business with the Commission.

(b) A person who is or may reasonably be expected to be subject, directly or indirectly, to the regulation or enforcement action of the Commission.

(Discounts and other considerations that are offered by recognized employee organizations or offered to all state employees are not prohibited.)

(4) Providing, or allowing access to, confidential information available to the employee solely because of his or

her position with the Commission to persons to whom issuance of such information has not been authorized.

(5) Providing services or information to some prospective bidders on contracts with the Commission for supplies or services when such services or information are not available to all such bidders.

(6) Providing or using names of persons or records of the Commission for a mailing list that has not been authorized by the executive director.

VII. POLITICAL ACTIVITIES

A. The Commission affirms the rights of its employees to engage in political activities, except as necessary to preserve the integrity and impartiality of the Commission and its actions. Employees may engage in political activities except as follows:

(1) Commission identification. Each employee will take reasonable precautions to assure that the Commission is not identified with his or her political activities.

(2) Political activities in Commission offices or while representing the Commission. No employee shall engage in any political activities in Commission offices, on Commission time or while representing the Commission.

(3) Compensated campaign activities. No employee shall be employed for compensation in a political campaign for any primary, general, special or recall election held in this state. This includes the campaign of any candidate for President and any other candidate for federal office when the election is held in California. Reimbursement for expenses incurred while performing volunteer political activities shall not be considered employment for compensation with a political campaign so long as like reimbursement is provided to others performing like activities.

(4) State lobbying. Influencing state legislative or administrative action for non-Commission compensation is prohibited. Voluntarily influencing state legislative or administrative action is prohibited unless the employee gives prior notification to the executive director, and (a) represents only himself or herself, or (b) represents another person or group which does not employ a lobbyist or make contributions or expenditures for political purposes.

(5) Disqualification. Each employee shall promptly disqualify himself or herself from participating in any Commission matter which would directly or significantly affect a campaign for or against which the staff member has made a contribution or provided volunteer services. It is the affirmative duty of each employee to promptly notify his or her supervisor in writing when a Commission matter may affect a campaign for or against which the staff member has made a contribution or provided volunteer services.

B. Exceptions. Exceptions to the above restrictions on political activities will be granted when unusual circumstances so warrant. Exceptions may be granted by the executive director after consulting with the Commission chairman. The executive director will report to the Commission at its next public meeting all exceptions granted.

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